

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOE ABBOTT,  
Plaintiff,  
v.  
E. TOOTELL, et al.,  
Defendants.

Case No. [17-cv-04004-SI](#)

**ORDER SETTING DEADLINE FOR  
SUBSTITUTION OF PARTY DUE TO  
PLAINTIFF'S DEATH**

This civil rights action was filed *pro se* by a prisoner on death row at San Quentin State Prison. Efforts are underway to serve defendants with the summons and complaint, but no defendant has yet appeared.

In another one of plaintiff's cases, *Abbott v. Tootell*, No. 11-cv-183 LHK, plaintiff was represented by counsel who, in a joint status report filed February 6, 2018, confirmed that plaintiff died on January 31, 2018. In light of the death of plaintiff, the clerk shall send a copy of this order to the warden of San Quentin State Prison. Prison officials are requested to forward this order to whomever the prison records show as plaintiff's next of kin. If plaintiff's next of kin desires to continue with this case, he or she shall file a notice of substitution within **ninety days** after the date of this order. *See* Fed. R. Civ. P. 25(a). If no such notice is filed, the case will be dismissed without further notice.

**IT IS SO ORDERED.**

Dated: February 7, 2018



SUSAN ILLSTON  
United States District Judge